



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, Crim. Case Nos. 24787-24788  
*Plaintiff,*

FOR: Violation of Section 3(e)  
of Republic Act No. 3019

– versus –

Present:  
LAGOS, J., *Chairperson*  
MENDOZA-ARCEGA, and  
CORPUS-MAÑALAC, JJ.

MAKIL U. PUNDAODAYA, et. al.  
*Accused,*

Promulgated:  
October 29, 2018 *ma*

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RESOLUTION

**LAGOS, J.:**

Before this Court is a *Verified Motion for Leave of Court to File, Admit, and Grant within Motion for New Trial*<sup>1</sup> filed on October 1, 2018 by accused Lolita P. Sambeli praying that the same be given due course and granted.

While admitting that she does not and cannot contradict the records of the cases that the Supreme Court denied her petition for

<sup>1</sup> Records, Criminal Case Nos.24784-24789, Vol. 10, pp.213-224

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review on certiorari in G.R. No. 203771-72 from the *Decision* of this Court of March 30, 2012, accused Sambeli, nevertheless invokes good faith, without any intent of contumacy of this Court, but only in the greater interest of substantial and procedural due process, to humbly ask for a “sporting chance by giving her leave of this Court to file the within motion for new trial” to allow her to present her valid and lawful defenses leading to her acquittal.

The prosecution filed on October 9, 2018 its *Opposition*<sup>2</sup> with annexes “A” to “D” to accused Sambeli’s verified motion.

The antecedents of the case are as follows:

It appears from the records that accused Lolita P. Sambeli filed before the Supreme Court a petition for review on certiorari of the *Decision*<sup>3</sup> of this Court promulgated on March 30, 2012 convicting her in Criminal Case No. 24787 and Criminal Case No. 24788, of the offense of violation of Section 3(e) of R.A. 3019, for under delivery of graders desks to Iligan City Schools Division and Sultan Kudarat Schools Division, respectively, sometime in 1992. The case was docketed as G.R. Nos. 203771-72.

On November 8, 2017, the Supreme Court, after considering the allegations, issues and arguments adduced in the petition for review on certiorari, the comment thereon and the reply thereto, issued a *Resolution*<sup>4</sup> denying the petition for failure to sufficiently show any reversible error in the assailed judgment to warrant the exercise of the Supreme Court’s discretionary appellate jurisdiction.

Dissatisfied, accused Sambeli, as petitioner therein, filed a Motion for Reconsideration (MR)<sup>5</sup> claiming that she indeed obtained the permission of the Sandiganbayan before filing her demurrer to evidence as shown in the statement of facts in the petition, and; that the bulk of evidence presented by the prosecution were mere photocopies or xerox copies of the genuine documents. Accused later amended her MR by incorporating the allegations that the Supreme Court misapprehended the facts as supported by substantial evidence of both parties favoring the acquittal of the accused.<sup>6</sup>

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<sup>2</sup> Records, Criminal Case Nos. 24784-24789, Vol. 10, pp. 228-290

<sup>3</sup> J. Jurado, *ponente*, Records, Id., pp. 239-275

<sup>4</sup> Id., p. 82

<sup>5</sup> Id., pp. 98-102

<sup>6</sup> Id., pp.103-106



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In the *Resolution*<sup>7</sup> dated March 21, 2018, the Supreme Court denied with Finality her Motion for Reconsideration with the directive that no further pleadings or motions shall be entertained in this case and entry of judgment be issued immediately.

The *Resolution* of the Supreme Court denying accused Sambeli's petition for review on certiorari on November 8, 2017 having become final and executory after her Motion for Reconsideration was denied with Finality, *Entry of Judgment* was thereafter made on March 21, 2018.

Despite the standing directive that no further pleadings or motions shall be entertained by the Supreme Court, accused Sambeli filed an omnibus motion, dated June 1, 2018: (1) for leave to file second motion for reconsideration; (2) to consider the motion as the second motion for reconsideration; and (3) to allow and grant petitioner ten(10) days to submit memorandum to support her two (2) motions, dated 1 June 2018.

Subsequently, accused Sambeli filed: (1) the memorandum, dated June 8, 2018, in support of the second motion for reconsideration of the Resolution dated November 8, 2017 and Resolution dated March 21, 2018 (with motion to admit); and (2) the undated motion for clarification, reiterating the issues submitted in the aforesaid memorandum.

The Supreme Court, in a letter of transmittal<sup>8</sup> dated May 15, 2017 forwarded to this Court and received on July 17, 2018, the following: (1) photocopy of the resolution<sup>9</sup> rendered by the Supreme Court on November 8, 2017 in G.R. Nos. 203771-72, and (2) a photocopy of the entry of judgment<sup>10</sup> made thereon.

On July 20, 2018, this Court, issued a Resolution<sup>11</sup> ordering the issuance of warrant of arrest against accused Lolita P. Sambeli for execution of judgment in view of the entry of judgment made thereon by the Supreme Court, the pertinent portion of which reads as follows:

"In view of the Supreme Court's Entry of Judgment in G.R. Nos. 203771-72, entitled "LOLITA P. SAMBELI vs. People of the Philippines," denying Lolita P. Sambeli's petition, in view of her failure to sufficiently show any reversible error in the assailed judgment as to warrant the Supreme Court's exercise of discretionary appellate

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<sup>7</sup> Records, Criminal Case Nos. 24784-89, Vol. 10, p. 118

<sup>8</sup> Id., p. 193

<sup>9</sup> Id., p.196

<sup>10</sup> Id., p.195

<sup>11</sup> Id., p.200

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jurisdiction, which judgment became final and executory on March 21, 2018, let a warrant of arrest issue against accused Lolita P. Sambeli for execution of judgment.

“SO ORDERED.”

On July 25, 2018, a warrant of arrest<sup>12</sup> was issued by this Court against accused Lolita P. Sambeli. In a return of warrant of arrest, dated August 8, 2018, the Warrant Officer, SP01 Jay Nino Taduran, of the Paranaque City Police Station, informed this Court that subject accused Sambeli cannot be contacted/located/ whereabouts is unknown.

Meanwhile, on August 22, 2018, the Supreme Court issued a *Resolution*<sup>13</sup> which denied the omnibus motion of accused Sambeli, petitioner therein, and noted without action petitioner’s subsequent pleadings filed pending action on her motion for leave to file the same. The Resolution of August 22, 2018 reads, as follows:

“G.R. No. 203771-72 (Lolita P. Sambeli vs. People of the Philippines). - In view of the Resolution dated 21 March 2018 which denied with finality petitioner’s motion for reconsideration and amended motion for reconsideration of the Resolution dated 8 November 2018 denying the petition for review on certiorari, and the entry of judgment and the letter of transmittal of the case records to the Court of Appeals (*sic*)<sup>14</sup> on 15 May 2018, and considering that a second motion for reconsideration is a prohibited pleading pursuant to Section 2, Rule 52 in relation to Section 4, Rule 56 of the 1997 Rules of Civil Procedure, as amended, the Court resolves to **DENY** petitioner’s omnibus motion (1) for leave to file second motion for reconsideration; (2) to consider the motion as the second motion for reconsideration; and (3) to allow and grant petitioner ten(10) days to submit memorandum to support her two(2) motions, dated 1 June 2018.

Accordingly, petitioner’s (1) the memorandum in support of the second motion for reconsideration of the Resolution dated 8 November 2017 and Resolution dated 21 March 2018 [with motion to admit]; and (2) the undated Motion for Clarification, reiterating the issues submitted her memorandum in support of the second motion for reconsideration of the Resolutions dated 8 November 2017 and 21 March 2018 are **NOTED WITHOUT ACTION**”

Undaunted, on October 1, 2018, accused Lolita P. Sambeli filed before this Court the instant *Verified Motion for Leave of Court to File, Admit, and Grant within Motion for New Trial*<sup>15</sup>

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<sup>12</sup> Records, Criminal Case Nos. 24784-24789, p. 211

<sup>13</sup> Id., p.291

<sup>14</sup> Reference to Court of Appeals should be Sandiganbayan

<sup>15</sup> See Note 1



## DISCUSSION AND RULING

Under the circumstances thus narrated, accused Sambeli, in essence, invokes the remedy of motion for new trial to allow the presentation of evidence in her defense which, on account of the alleged technicality, or negligence or incompetence of her former counsel, were not presented during the trial amounting to a patent and apparent denial of due process of law.

The Court is tasked to determine the propriety of accused Sambeli's *Verified Motion for Leave to File, Admit and Grant the Motion for New Trial* embedded in the said motion under the attendant antecedents of these cases.

The Court finds the verified motion devoid of merit.

A motion for new trial, under the Revised Rules of Criminal Procedure (RRCP), is available only for a limited period of time, and for very limited grounds. It is very clear under Section 1, Rule 121 of the RRCP that a motion for new trial may be filed at any time before a judgment of conviction becomes final, that is, within fifteen (15) from its promulgation or notice.<sup>16</sup> The Sandiganbayan's Revised Internal Rules provide for the same period.<sup>17</sup> Upon finality of the judgment, therefore, a motion for new trial is no longer an available remedy.

“SECTION 1. *New trial or Reconsideration.* – At any time before a judgment of conviction becomes final, the court may, on motion of the accused or at its own instance but with the consent of the accused, grant a new trial or reconsideration.”

In the instant cases, accused Sambeli appealed the March 30, 2012 *Decision* of this Court via a petition for review on certiorari before the Supreme Court, docketed as G.R. No. 203771-72 which, however, was denied in the *Resolution* of November 8, 2017. The *Resolution* of November 8, 2017 became final and executory on March 21, 2018 after her motion for reconsideration was denied with finality and, consequently, an *Entry of Judgment* was ordered to be entered in the book of entries of judgments. Accordingly, the March 30, 2012 *Decision* of this Court likewise became final and executory. Thus, accused could no longer seek the reversal of the judgment of conviction rendered by this Court, as what accused Sambeli did when she filed the *Verified Motion for Leave of Court to File, Admit, and Grant within Motion for New Trial* on October 1, 2018, or almost seven

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<sup>16</sup> De Villa vs. The Director of New Bilibid Prisons, G.R. No. 158802, November 17, 2004

<sup>17</sup> Rule IX, Section 1, Revised Internal Rules of the Sandiganbayan

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(7)months from entry of judgment. Clearly, a motion for new trial can no longer be availed of as a remedy to overturn the judgment of conviction which has become final and executory.

Under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.<sup>18</sup>

The doctrine is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional errors, the judgments or orders of courts must become final and executory on some definite date fixed by law; otherwise, there would be no end to litigations, thus setting to naught the main role of courts of justice which is to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality.<sup>19</sup>

Like any other rule, the doctrine of finality of judgments has exceptions, namely: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries<sup>20</sup> which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.<sup>21</sup> None of the exceptions applies in the instant cases.

As held by the Supreme Court in the case of *Bongcac vs. Sandiganbayan*<sup>22</sup>, which was aptly cited by the prosecution, thus:

“Petitioner cannot perpetually file any petition or pleading to forestall the execution of a final judgment. Execution of a final

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<sup>18</sup> FGU Insurance Corporation (now BPI/MS Insurance Corporation) vs. vs. RTC of Makati City, Branch 66, and G.P. Sarmiento Trucking Corporation, G.R. No. 161282 (February 23, 2011); Saccalan v. Court of Appeals, G.R. No. 128967, 20 May 2004, 428 SCRA 586, 599.

<sup>19</sup> Spouses Navarra vs. Yolanda Liongson, G.R. No. 217930, April 13, 2016, citing Manotok Realty, Inc. vs. CLT Realty Development Corporation, G.R. 123346, November 25, 2005, 512 Phil. 679,708 (2005)

<sup>20</sup> In Mococho, Jr. vs. Ramirez, G.R. No. 178366, July 28, 2008, citing Wilmerding vs. Corbin Banking Co. 28 South., 640,641; 126 Ala., 268, *Nunc pro tunc* judgments have been defined and characterized by the Supreme Court, thus, “The object of a judgment *nunc pro tunc* is not the rendering of a new judgment and the ascertainment and determination of new rights, but is one placing in proper form on the record, the judgment that had been previously rendered, to make it speak the truth, so as to make it show what the judicial action really was, not to correct judicial errors, such as to render a judgment which the court ought to have rendered, in place of the one it did erroneously render, nor to supply nonaction by the court, however erroneous the judgment may have been”.

<sup>21</sup> Villa vs. GSIS, G.R. No. 174642, October 30, 2009

<sup>22</sup> G.R. Nos. 156687-88, May 21, 2009



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judgment is the fruit and end of the suit. While a litigant's right to initiate an action in court is fully respected, once his case has been adjudicated by a competent court in a valid final judgment, he should not be permitted to initiate similar suits in the hope of securing a favorable ruling. The 28 March 2001 Sandiganbayan Decision has attained finality. Such definitive judgment is no longer subject to change, revision, amendment or reversal. Upon finality of the judgment, the Court loses its jurisdiction to amend, modify or alter the same. Except for correction of clerical errors or the making of *nunc pro tunc* entries which cause no prejudice to any party, or where the judgment is void, the judgment can neither be amended nor altered after it has become final and executory. This is the principle of immutability of final judgment."

Considering that the March 30, 2012 *Decision* of this Court had become final and executory on March 21, 2018 as evidenced by the *Entry of Judgment*, the Court deems it proper not to belabor any further on the merits of accused Sambeli's *Motion for New Trial* embedded within her *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial*. The said motion is Noted Without Action.

It is significant to note, however, that the grounds relied upon by accused Sambeli in her *Verified Motion for New Trial* are the same grounds she raised before this Court in her *Motion for Reconsideration and/or New Trial*, dated April 12, 2012, assailing the March 30, 2012 *Decision* of this Court, which were passed upon and resolved by this Court in its *Resolution* dated October 8, 2012. The grounds relied upon then, and now in her *Verified Motion*, which were found unmeritorious by this Court and the Supreme Court when her petition for review on certiorari was denied on November 8, 2017, are: (1) that errors of law or fact or irregularities prejudicial to the substantial rights of the accused have been committed during the trial as this Court allegedly erred in holding that she did not timely seek leave of court before filing her demurrer to evidence; (2) that she was convicted on the basis of patently inadmissible (photocopy/xerox) or insufficient evidence.

As pronounced by the Supreme Court in the case of *Yau vs. Silverio, Sr.*,<sup>23</sup> litigation must end and terminate sometime and somewhere and it is essential to an effective and efficient

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<sup>23</sup> G.R. Nos. 158848 and 171994, February 4, 2008, 543 SCRA 520, citing *Lim vs. Jabalde*, G.R. No. 36786, April 17, 1989, 172 SCRA 211, 224

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administration of justice that, once a judgment has become final, the winning party be, not through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.

**WHEREFORE**, in view of the foregoing, the *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial* is **DENIED** for lack of merit. Accordingly, the *Motion for New Trial* embedded within the said verified motion for leave of court to file and admit is **NOTED WITHOUT ACTION**.


No further pleadings or motions shall be entertained in these cases.


Let an alias warrant of arrest be issued directing the: (1) the Chief, Philippine National Police, and; (2) the Director, National Bureau of Investigation to arrest accused Lolita P. Sambeli who was convicted of the above-stated crime and to bring her before this Court to be dealt with as the Law and Rules of Court direct.

**SO ORDERED.**

  
**RAFAEL R. LAGOS**  
Chairperson  
Associate Justice

**WE CONCUR:**

  
**MARIA THERESA V.  
MENDOZA-ARCEGA**  
Associate Justice

  
**MARYANN E.  
CORPUS- MAÑALAC**  
Associate Justice